

**SENATE BILL NO. 118**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY SENATOR ELTON

Introduced: 3/14/07

Referred: Labor and Commerce, Resources, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act establishing a fee for disposable plastic bags distributed by retail sellers of**  
2   **goods or services to consumers to carry away or protect goods; and establishing the**  
3   **Alaska litter and marine debris reduction and recycling fund."**

4   **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5    \* **Section 1.** AS 43.98 is amended by adding a new section to read:

6           **Sec. 43.98.035. Disposable plastic bag fees.** (a) Except as provided in (b) of  
7           this section, a fee of \$0.15 is imposed for each disposable plastic bag, including a  
8           grocery sack, dry-cleaning bag, take-out food bag, retail bag, membership or  
9           wholesaler bag, and service station bag, given by a retail seller of goods or services to  
10          a consumer to carry away or protect goods purchased from, or serviced by, the retail  
11          seller.

12           (b) The fee established in (a) of this section does not apply to a disposable  
13          plastic bag that

14                   (1) is used solely to contain a product with no other packaging,

1 including bulk grains, fruit, nuts, vegetables, or other food products;

2 (2) is used only to contain ice;

3 (3) is specifically designed for at least 1,000 reuses; or

4 (4) is for resale, if the purchaser provides the seller with a certificate of  
5 use on a form prescribed by the department.

6 (c) A retail seller shall add the amount of the fees imposed by this section to  
7 the total price of the goods or services subject to the fees, and the fees shall be stated  
8 separately on any sales receipt, invoice, or other record of the sale or other transfer of  
9 the disposable bags subject to this section.

10 (d) A retail seller shall collect the fees imposed by this section from the  
11 purchaser. A retail seller subject to this section shall file a return on a form prescribed  
12 by the department to the department not later than 30 days after the last day of the  
13 calendar quarter of the sale.

14 (e) A retail seller subject to this section shall keep a record of the number of  
15 disposable bags and exempt bags the retail seller has purchased, been provided with,  
16 or otherwise acquired, and a record of the amount paid on disposable bags subject to  
17 this section that are provided to, or sold to, retail consumers on a quarterly basis. The  
18 retail seller shall keep these records in the manner as prescribed under AS 43.99.010.

19 (f) The provisions of AS 43.05 and AS 43.10 apply to this section.

20 (g) Money collected by the department under this section shall be deposited  
21 into the general fund and separately accounted for under AS 37.05.142. The annual  
22 estimated balance in the account may be appropriated by the legislature to the litter  
23 and marine debris reduction and recycling fund established under AS 46.06.035.

24 (h) In this section, "retail seller" means a person who, in a retail transaction,  
25 sells goods, offers to sell goods, or provides services that affect goods.

26 \* **Sec. 2.** AS 46.06 is amended by adding new sections to read:

27 **Sec. 46.06.035. Alaska litter and marine debris reduction and recycling**  
28 **fund.** (a) There is established as a separate fund in the general fund the Alaska litter  
29 and marine debris reduction and recycling fund, which consists of money appropriated  
30 to the fund by the legislature.

31 (b) Money appropriated to the fund may be spent as specified in this section

1 without further appropriation. The department shall use the money in the fund as  
2 follows:

3 (1) 50 percent of the annual estimated balance for grants under  
4 AS 46.06.120 to establish and maintain local programs that provide for the reduction,  
5 diversion, cleanup, disposal, and recycling of litter and marine debris, including  
6 devices to prevent litter and marine debris from entering storm drain systems; grants  
7 made under this paragraph may be made to municipalities, and in unincorporated  
8 areas, to qualified nonprofit organizations;

9 (2) 10 percent of the annual estimated balance for grants under  
10 AS 46.06.120 to nonprofit organizations for collection, coordination, and disposal of  
11 litter and marine debris along state highway segments adjoining streams, rivers,  
12 beaches, the ocean, and other environmentally sensitive areas;

13 (3) 10 percent of the annual estimated balance for grants under  
14 AS 46.06.120 to public entities and nonprofit organizations for programs that promote  
15 public awareness of, involvement in, and implementation of the abatement, cleanup,  
16 disposal, and recycling of litter and marine debris in coastal land and water areas, and  
17 in the ocean;

18 (4) 10 percent of the annual estimated balance for grants under  
19 AS 46.06.120 for litter and marine debris cleanup programs in and around state parks,  
20 historical sites, and other land maintained by the Department of Natural Resources;  
21 grants under this paragraph may be provided to

22 (A) adopt-a-park programs of political subdivisions of the state;

23 (B) public entities and nonprofit organizations for programs  
24 that promote public involvement in and the implementation of the abatement,  
25 cleanup, disposal, and recycling of litter and marine debris in and around state  
26 parks, historical sites, and other land maintained by the Department of Natural  
27 Resources;

28 (5) 15 percent of the annual estimated balance to establish and conduct  
29 an ongoing statewide information campaign by the department under AS 46.06.010(3)  
30 to educate the public on the hazards and composition of litter and marine debris and on  
31 the need to increase the recycling of disposable bags; and

1                   (6) five percent of the annual estimated balance for the department to  
2 pay for the administrative costs of implementing this section.

3                   (d) An entity that receives money from the fund established by this section  
4 shall provide information to the department that quantifies

5                           (1) the amount and type of litter and marine debris removed;

6                           (2) the methods of collecting, disposal, and recycling used;

7                           (3) the amount of labor used, including both volunteer and paid; and

8                           (4) the locations or geographic area from which litter or marine debris  
9 is recovered.

10                   (e) In this section, "fund" means the Alaska litter and marine debris reduction  
11 and recycling fund established under (a) of this section.